

Rec'd 9/28/18
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TULARE COUNTY SUPERIOR COURTS
STATE OF CALIFORNIA, VISALIA DIVISION

In Re SEARCH WARRANT #013487

CASE NO: _____

YORAI BENZEEVI,

Moving Party,

v.

SUPERIOR COURT OF THE COUNTY OF
TULARE,

Respondent,

TULARE COUNTY DISTRICT ATTORNEY,

Real Part in Interest.

REAL PARTY IN INTEREST'S
OPPOSITION TO SEAL & FOR A
PROTECTIVE ORDER REGARDING
PORTIONS OF DR. BENZEEVI'S
MEMORANDUM IN SUPPORT OF HIS
MOTION FOR RETURN OF SEIZED
PROPERTY AND RELATED
EVIDENTIARY HEARING AND
SUPPORTING DECLARATION OF
DUROSS O'BRIAN; DECLARATION
OF BEVAN A DOWD IN SUPPORT
THEREOF

Date: October 5, 2018
Time: 2:00 pm
Dept: 13

Respondent, the People of the State of California, by and through their
attorneys, TIM WARD, District Attorney, and TREVOR HOLLY, Deputy District Attorney,
submit this REAL PARTY IN INTEREST'S OPPOSITION TO SEAL & FOR A
PROTECTIVE ORDER REGARDING PORTIONS OF DR. BENZEEVI'S MEMORANDUM
IN SUPPORT OF HIS MOTION FOR RETURN OF SEIZED PROPERTY AND RELATED
EVIDENTIARY HEARING AND SUPPORTING DECLARATION OF DUROSS O'BRIAN;
DECLARATION OF BEVAN A DOWD IN SUPPORT THEREOF. This motion is based upon
the pleadings, points and authorities, evidence, and argument presented at the hearing of the
matter.

OPPOSITION TO MOTION TO SEAL

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4 **ARGUMENT AND AUTHORITY**
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6 Movant's have strongly argued Dr. Benzeevi's interests in sealing portions of his
7 motion and supporting documents. The People do agree that account numbers and identifying
8 information should be redacted, as it is in the public interest that such information remain
9 sealed to prevent it from being used for fraud. However, the movants have failed to
10 substantiate that there is any public interest in sealing those portions of the documents that
11 reveal what Dr. Benzeevi did with the \$2,400,000.00 he stole.

12 Dr. Benzeevi was the CEO of a Public Hospital, owned by the public and funded by
13 taxpayer money. He unlawfully transferred approximately \$2,400,000.00 of public money to
14 his personal account. The public has a strong interest in knowing what he did with that
15 money. Dr. Benzeevi's narrow personal interest cannot override the public interest in this
16 information and therefore cannot override the public's right of access. Therefore, their
17 motion fails under CA. Rule of Court 2550(d)(1) and the documents should remain public.

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19 Dated: September 28, 2018

20 Respectfully submitted,

21 TIM WARD
22 DISTRICT ATTORNEY

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24 TREVOR HOLLY
25 DEPUTY DISTRICT ATTORNEY
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OPPOSITION TO MOTION TO SEAL